



File No.: 14918-1"US" JA/AA/ld

MR \$ #3  
April 26, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Howard RYSHPAN et al.  
Serial No.: 10/067,131  
Group Art Unit: 2615  
Filed: September 12, 2001  
Title: UNIVERSAL GUIDE TRACK

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Commissioner for Patents  
Washington, D.C. 20231

**Attention: Box Missing Parts**

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
AND PETITION UNDER 37 CFR §1.53(e)(2)**

Sir:

In response to the Notice to File Missing Parts mailed March 7, 2002, a copy of which is enclosed, Applicant now timely submits herewith a duly executed original Combined Declaration, further indicating the change of order in the named inventors, that is, Jocelyne Côté as first inventor and Howard Ryshpan as second inventor.

Applicants hereby submit a copy of the stamped Filing Cover Sheet for Document Filed with U.S.P.T.O Mailroom indicating that 8 sheets of formal drawings were filed September 12, 2001 and a further copy was transmitted to Ms. Cynthia Streater on February 8, 2002.

Attached hereto is the sheet of drawing allegedly omitted from the application papers filed with the application on September 12, 2001 and subsequently on February 8, 2002. This sheet of drawing represents Figure 7 (there is no marking within the sheet of drawing to that effect). Applicants submit that Fig. 7 was filed as part of the 8 sheets of drawings, on September 12, 2001 and also with our submission of February 8, 2002. It is hereby requested that this sheet be made part of application papers and accorded the filing date of September 12, 2001. It is

Assistant Commissioner for Patents

10/067,131

also pointed out that the PTO lost the application documents originally filed on September 12, 2001, and that the resubmission of the application papers on February 8, 2002, was to replace the lost application papers, and that any omission of any paper in the resubmission should not influence granting of the filing date to all papers identified as being received by the OIPE in the stamped Filing Cover Sheet of September 12, 2001.

Our cheque No. 010257 in the amount of \$130.00 in support of this Petition, as required under 37CFR 1.17(h), is also enclosed.

Furthermore, an Assignment document from all the inventors in favor of RYSHCO MEDIA INC., is submitted, along with our cheque No. 010258 in the amount of \$40.00 for the recordal fees.

Our cheque No. 010259 in the amount of \$447.00 is also enclosed to cover the basic filing and surcharge fees. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to account No. 19-5113.

Respectfully,

  
James Anglehart, Reg. No. 38,796  
Agent of Record

Ogilvy Renault  
1981 McGill College Avenue, Suite 1600  
Montréal, Québec  
Canada H3A 2Y3

JUL 2:32PM

SWARBY OGILVY MT1 514 288 8389

SEP 24 '01 01:39PM



(please place mailroom date stamp here)

**OGILVY  
RENAULT**

S.E.N.C.

**BARRISTERS & SOLICITORS  
PATENT AND TRADEMARK AGENTS**

1981 McGill College Avenue  
Suite 1600

Montreal, Quebec, Canada H3A 2Y3

(514) 845-7126 - Fax: (514) 288-8389

Agent's file reference: 14918-1US JA/AA

Ser. No. and filing date (if known): /

**Filing Cover Sheet for Document  
Filed with U.S. PTO Mailroom**

### TYPE OF DOCUMENT SUBMITTED

- ☒ Patent application ☐ Provisional ☒ Nonprovisional  
☐ Response to NOTICE TO FILE MISSING PARTS  
☐ IDS ☐ Response to office action  
☐ Issue fee ☐ Formal drawings  
☐ Other: \_\_\_\_\_

### CONTENTS OF SUBMISSION

- ☐ specification having \_ pages (no claims)  
☒ specification having 18 pages including 23 claims  
☒ sheets of FORMAL drawings  
☒ UNSIGNED inventor declaration with \_ signature(s)  
☐ small entity declaration(s) (\_ in number)  
☐ assignment(s) and assignment recordal sheet(s) (\_ in number)  
☐ cheque number \_ in amount of \_  
☐ response with \_ pages  
☒ other item with 1 pages and described by:  
Cover letter to USPTO

Hand delivered to PTO mailroom by: Chris McDonald

Time and date of delivery: Sept 12, 2001 3:20 p.m.

- ☒ This sheet must be stamped by mailroom and returned to us by fax the same day  
☐ Please call \_\_\_\_\_ at \_\_\_\_\_ immediately to confirm filing.

#3



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☐ Response to NOTICE TO FILE MISSING PARTS  
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☐ Other:

CONTENTS OF SUBMISSION

- ☐ specification having    pages (no claims)  
☒ specification having 18 pages including 23 claims  
☒ 8 sheets of FORMAL drawings  
☒ UNSIGNED inventor declaration with    signature(s)  
☐ small entity declaration(s) (   in number)  
☐ assignment(s) and assignment recordal sheet(s) (   in number)  
☐ cheque number    in amount of     
☐ response with    pages  
☒ other item with 2 pages and described by:

Cover letter to USPTO; and Acknowledgement postcard

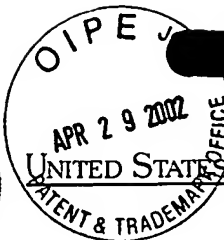
Hand delivered to PTO mailroom by:                                 

Time and date of delivery:                                 

MR

*St. Peter*  
*306-5430*  
*Application Number*  
*10/067131*

- ☒ This sheet must be stamped by mailroom and returned to us by fax the same day  
☐ Please call        at        immediately to confirm filing.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/067,131	09/12/2001	Howard Ryshpan	14918-1US JA/Id

CONFIRMATION NO. 4460

## FORMALITIES LETTER



\*OC00000007593148\*

OGILVY RENAULT  
Suite 1600 - 1981 McGill College Avenue  
Montreal, QC H3A 2Y3  
CANADA

Date Mailed: 03/07/2002

Attachment date: 07/26/2002 TV0111  
04/30/2002 NMOHAMM1 00000003 10067131  
04/30/2002 -130.00 DP

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Ref: 07/26/2002 TV0111 0014271000  
04/30/2002 NMOHAMM1 00000003 10067131  
04/30/2002 -130.00 CR

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$27.
  - \$27 for 3 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 447.

04/30/2002 NMOHAMM1 00000003 195113 10067131

The following item(s) appear to have been omitted from the application:

01 FC:122		130.00 DP
02 FC:205		65.00 DP
03 FC:201		370.00 DP
04 FC:203	15.00 CH	12.00 DP

- Figure(s) 7 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.


III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the

application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE